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8 CLERK OF THE COURT

9 UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
10

11
12 FACEBOOK, INC.,
13 Plaintiff-Appellee,
14 v.
15 STEVEN SURAJ VACHANI,
16 Defendant-Appellant.

Case No. 13-16795

**RESPONSE TO CLERK'S ORDER
REGARDING LACK OF
JURISDICTION OVER APPELLANT'S
INTERLOCUTORY APPEAL**

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18 On September 6, 2013, I, Steven Vachani, appealed to the Ninth Circuit United States
19 Court of Appeal from the Order Re Attorneys Fees and Costs for Renewed Deposition¹ entered
20 August 7, 2013, and on September 9, 2013, the Court assigned the case number for the appeal and
21 set the briefing schedule.

22 On September 13, 2013, a File Clerk Order was entered in this appellate action stating: "A
23 review of the record suggests that this court may lack jurisdiction over the appeal because the
24 district court's August 7, 2013 'order re attorneys fees and costs for renewed deposition' does not
25 appear to be appealable." In summary, the clerk rejects immediate appeal of the District Court
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28 ¹ *Facebook, Inc. v. Power Ventures, Inc.*, et al., CAND Case No. 5:2008cv05780; Dkt. No. 356.

1 Order because it 1) was issued by a magistrate judge, and 2) is a sanctions order of a type not
 2 generally appealable prior to the entry of final judgment.

3 On September 25, 2013, a final judgment in *Facebook, Inc. v. Power Ventures, Inc.*, et al.
 4 was entered². A true and correct copy of the final judgment is attached hereto as Exhibit A. As
 5 final judgment has now been entered and the U.S. Court of Appeal has acquired jurisdiction over
 6 interlocutory orders, as well as those issued by a magistrate judge, I respectfully submit that the
 7 instant action be allowed to advance without dismissal.
 8

9 I declare under the penalty of perjury of the laws of the State of California that the
 10 foregoing is true and correct.

11 Respectfully submitted,

12
 13 Dated: October 2, 2013

14
 15 San Francisco, CA

By /s/ Steven Vachani 

16 PRO SE DEFENDANT STEVEN VACHANI
 17 Steven Vachani (pro per)
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28 ² *Facebook, Inc. v. Power Ventures, Inc.*, et al., CAND Case No. 5:2008cv05780; Dkt. No. 374.


CERTIFICATE OF SERVICE

I hereby certify that this document(s) has been or will be filed through the ECF system, and notice will be sent via the following method(s):

X ECF System: By filing the document(s) listed above on the Court's Electronic Case Filing System, I am informed and believe that the documents will be electronically served on all individuals registered with such system. To my knowledge, every individual to whom notice is required is registered with this system and, thus, has been served with due notice by action of this electronic filing.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct.

Executed 2nd of October, 2013 at San Francisco.

By  /s/ Steven Vachani

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